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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,388	09/26/2003	Phil Van Dyke	VP089	8514

20178	7590	02/10/2006

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EXAMINER
HARRISON, CHANTE E

ART UNIT	PAPER NUMBER
2677	

DATE MAILED: 02/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action *Before the Filing of an Appeal Brief*	Application No. 10/672,388	Applicant(s) VAN DYKE ET AL.
	Examiner Chante Harrison	Art Unit 2677	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>18 January 2006</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

    a) ☒ The period for reply expires <u>3</u> months from the mailing date of the final rejection.

    b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

    Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

    (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

    (b)☐ They raise the issue of new matter (see NOTE below);

    (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

    (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

    NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

    The status of the claim(s) is (or will be) as follows:

    Claim(s) allowed: _____.

    Claim(s) objected to: _____.
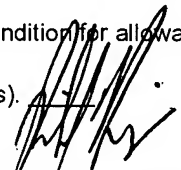
    Claim(s) rejected: _____.

    Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>See Continuation Sheet.</u>

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.

13. ☐ Other: _____.

RICHARD HJERPE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

Continuation of 11. does NOT place the application in condition for allowance because: Applicant argues (pp. 9) Reitmeier does not disclose comparing a portion of the web page data to a key data value to determine the data is to be modified by TV data that is not stored.

· In reply, Reitmeier teaches receiving an external signal, i.e. TV signal; and overlaying the received external TV signal upon stored data, i.e. web page data. Applicant claims receiving overlay data from a external source, receiving display data from memory and modifying a portion of display data having key data with the image overlay data. Thus, Applicant's similarly claims the teachings of Reitmeier. Reitmeier does not explicitly teach or illustrate (reference Fig. 2 processing of TV and web data) storing the externally received TV signal. Thus, Reitmeier is interpreted as teaching the externally received TV signal that is overlaid upon the stored display data must not be stored to achieve a combined display of data.

Regarding claim 1, Applicant argues (pp. 10, Para 1) Reitmeier fails to disclose memory storing a set of key data.

In reply, Reitmeier teaches transmitting web page data and executable code from a web server storing the data and code to the PC (Fig. 1 communication between "10" and "102"). Reitmeier teaches the executable code specifies control data that identifies a keying signal of the corresponding web page data (pp. 2, Para 26). Therefore Reitmeir discloses memory storing key data as he teaches both the code identifying the keying signal of the web page data and the web page data being transmitted from a web server.

Regarding claim 2, Applicant argues (pp. 10, Para 2) Reitmeier does not teach modifying the first set of data with the second set of data during transmission of the first set of data to an output.

In reply, Reitmeier teaches modifying the first set of data with the second set of data as the data is passed through different parts of the system for processing during transmission of the data to output (pp. 2; Para 23). Therefore, Reitmeier teaches modifying the first set of data with the second set of data during transmission of the first set of data to output.

Regarding claim 4, Applicant's argue (pp. 11, Para 1) Reitmeier does not disclose a synchronization signal used by the comparison component.

In reply, Reitmeier discloses the TV signal including tuning control signals that update the web page layout and synchronize the content of the TV signal with that of the web page data (pp. 2, Para 28). Reitmeier discloses the web page data is transmitted with a keying signal that identifies the window of the web page to be overlaid with the TV data (pp. 2, Para 26). Therefore Reitmeier discloses a synchronization signal used with a comparison component as he teaches the use of a control signal to synchronize the content of the TV signal with a window of the web page data identified by a keying signal.

Regarding claims 13 and 21, Applicant argues (pp. 11 & 12) Reitmeier does not disclose comparison circuitry configured to receive both image overlay and display data according to a synchronization signal.

In reply, the Office Actions reference to the keying module "208" was to identify the web page data including key data. Reitmeier discloses transmitting web page data having key data from a web server "10" storing the data to a processor "112" (pp. 2, Para 25) which overlays the externally provided TV signal with the stored web page data based on a control signal that synchronizes the content of the TV signal with an identified web page window having key data.

Applicant additionally argues Reitmeier stores the TV signal with the web data. The rationale as provided in reply to the arguments regarding claim 1 apply herein.

Regarding claim 3, Applicant argues (pp. 13) Yamagisha et al. does not cure the deficiencies of Reitmeier.

\ In reply, Examiner maintains the rationale of the rejection applied to claim 3.

Regarding claim 5, Applicant argues (pp. 13) one of skill in the art would not have included the claim feature into Reitmeier because Inoue teaches using an interlaced display and Reitmeier teaches display of data in a non-interlace format.

In reply, Inoue teaches using a non-interlace display (col. 5, ll. 60-67) as does Reitmeier. Therefore, because both Reitmeier and Inoue teach processing data for similar display types, one of skill in the art would have looked to the teachings of Inoue..